

Let Them Grow Act FAQ

When does the Let the Grow Act become operative?

The Act has an operative date of October 1, 2023.

When will the public hearing be held?

The Department of Health and Human Services anticipates holding a public hearing prior to the end of the year.

The Department is required by law to post notice of the public hearing in a newspaper of general circulation in the state for a minimum of 30 days before the hearing date. The Department publishes notice in the Lincoln Journal Star, on the Department's website, and on the Secretary of State's website.

The notice will include information about when, where, and how the public may provide comments on the proposed regulation. The public may provide comments in person at the hearing, in writing, or both.

Will there be emergency regulations in place prior to the public hearing?

The Department anticipates having emergency regulations in place prior to the public hearing. The Department will attempt to minimize any time between when the law takes effect on October 1 and the enactment of emergency regulations.

For those who have started pharmaceutical treatment prior to the October 1 operative date, can this treatment continue?

Yes, but only for the treatment that has already begun prior to October 1. For example, a patient receiving treatment with puberty-blocking drugs may not begin cross-sex hormone therapy after October 1 without having met the requirements set forth in the regulations.

If a minor has gender-altering surgery outside of Nebraska and returns to Nebraska for recovery, can a Nebraska healthcare provider provide the necessary post-operative care?

Yes. The act prohibits surgical procedures for youth under age 19 and regulates the use of pharmacological treatments. The act does not prohibit post-operative care.

Are gender-identity-focused behavioral health services allowed under the Act?

The act prohibits surgical procedures for youth under 19 and regulates the use of pharmacological treatments. It does not prohibit behavioral therapy.

What experts are being utilized in drafting the regulations?

At this time, the Department is focused on creating draft regulations internally by utilizing medical, psychological, and behavioral health specialists within the Department. The Chief Medical Officer may also consult with external experts in related fields of practice as the process continues.

The Department hopes to receive extensive feedback from experts in related fields through the public comment process. Once a draft is released, the Department urges all stakeholders, including medical experts and individuals with lived experience, to review the draft regulations and submit feedback at the in-person public hearing or in writing. Additional details around submitting written public comments will be included in the notice of hearing.

How will public comments be evaluated?

Information provided through the regulation promulgation public comment process will be evaluated in accordance with the Administrative Procedure Act (Neb. Rev. Stat. §§ 84-901 et seq.). Per statute, all comments received must be reviewed and evaluated.

Will the public comments received be available to the public?

Once the public comment process is complete, program staff will review all comments and complete a hearing summary.